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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE)	No. 12-1742M
EXTRADITION OF)	
13)	<u>[PROPOSED] ORDER GRANTING</u>
14 ROBERT KOVARIK,)	<u>GOVERNMENT'S REQUEST FOR</u>
)	<u>DETENTION</u>
15 A fugitive from the)	
Government of the Czech)	
16 Republic)	
17)	

18 Upon consideration of the request of the United States for
19 the detention of fugitive ROBERT KOVARIK ("KOVARIK") pending
20 extradition proceedings, and good cause therefor appearing,

21 IT IS HEREBY ORDERED that said request is GRANTED, the Court
22 making the following findings of fact and conclusions of law:

23 1. In foreign extradition matters there is a presumption
24 against bail and only "special circumstances" will justify
25 release on bail. United States v. Salerno, 878 F.2d 317, 317
26 (9th Cir. 1989); see also Matter of Extradition of Smyth 976 F.2d
27 1535, 1535-36 (9th Cir. 1992); Kamrin v. United States, 725 F.2d
28 1225, 1228 (9th Cir. 1984). The burden of showing special

1 circumstances rests upon the fugitive. See, e.g., Salerno, 878
2 F.2d at 317-18. Here, the Court finds that no such "special
3 circumstances" exist.

4 2. The government alternatively requests detention on
5 the grounds that KOVARIK presents an unacceptable risk of (a)
6 flight; and (b) danger to the community, even if such special
7 circumstances were present. In support of its request, the
8 government proffers the sworn extradition complaint, the
9 provisional arrest warrant, and the confidential Pretrial
10 Services report. Based on the allegations in the extradition
11 complaint concerning KOVARIK's offense in the Czech Republic, the
12 Court finds that KOVARIK poses a potential risk to the safety of
13 the community. Based on the allegations in the extradition
14 complaint concerning KOVARIK's international ties and previous
15 flight, the Court also finds that KOVARIK is a risk of flight.

16 IT IS SO ORDERED.

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18 DATED: 8/21/12

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20 HONORABLE PATRICK J. WALSH
21 United States Magistrate Judge
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